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MEMORANDUM

To: Sam Leto
From: Gary W. Steinke
Subject: Issues with Faculty
Date: May 24, 2006

In response to your request of May 18, there are three attachments regarding Professor Wetlaufer (letter of apology issued by Professor Wetlaufer, letter to the editor printed in the Des Moines Register on May 22, 2005, and letter sent to members of the College by Dean Jones).

The University of Iowa provided the information below regarding the editorial by Professor Glass.

The excerpt in question from the Guest Opinion by Professor Glass in the Press-Citizen is:

"And I spoke at an anti-war teach-in about the Project for a New American Century to an audience consisting almost entirely of my own students whose attendance I had required."

The Provost's office explained that this excerpt refers to a "teach-in" that was held on October 28, 2005, in Iowa City related to the war in Iraq. The class referenced in the opinion is "Introduction to Cultural Studies" (008:030:001) taught by Professor Loren Glass in the Department of English.

The term "required" in this opinion raised concerns regarding students' intellectual freedom, as protected by Section 15.2.f of the University of Iowa Operations Manual:

"While students remain responsible for learning class material and completion of course requirements, faculty should respect reasonable decisions by students, based on their exercise of their own intellectual freedom, not to attend part or all of a particular class session."

Staff in the Provost's office immediately asked the Dean of the College of Liberal Arts and Sciences to investigate this situation to determine whether University policy was violated and/or students' rights were otherwise compromised. She has completed this investigation with the assistance of the Chair of the Department of English, Professor Wilcox. They have reported that the use of the term "required" in the guest opinion by Professor Glass is inaccurate.

According to Professor Glass, students were assigned to learn about the Project for the New American Century (PNAC), either by attending the teach-in (where Professor Glass read from the PNAC Web site) or by going directly to the PNAC Web site themselves to read the information. Many students elected to do the latter. Both conservative and liberal perspectives were welcomed and voiced in the subsequent class discussion related to this assignment, as were critiques of the teach-in, itself. No complaints from students regarding this assignment or the class discussion have been reported (and students receive information regarding complaint procedures for all classes at the beginning of each semester).

Based on this investigation, Provost staff do not believe that the intellectual freedom of students was threatened.

However, at the Provost's Office's suggestion, the Dean of the College of Liberal Arts and Sciences and Professor Wilcox are meeting with Professor Glass to discuss this situation and the confusion that the word "required" generated in his class assignment. Administrators in the Provost's office regularly assess and mentor all faculty regarding their teaching to ensure that University students receive the highest quality education, while preserving their rights.

If you have any questions or need more information, please don't hesitate to contact this office.

To the Students in My Spring 2006 Negotiations Class:

I have been formally accused of improperly using a racial epithet -- what I should refer to as the n-word -- in my Negotiations class. I am also accused of being grossly insensitive to the power of words and disregarding the harmful and oppressive effects that I was imposing upon individual students and upon the class as a whole, of providing my students with insufficient forewarning and contextualization prior to the use of that word, of being disrespectful and oppressive in my treatment of the student who raised this issue, and of being insincere when, in class, I expressed my appreciation to that student and apologized for the pain that had been caused by my use of the word.

This accusation has been made through a 26-page submission to the Ombudspersons, the Dean and the Assistant Dean of the Law School, the entire faculty of the law school (including visitors and adjuncts) as well as, among others, the Vice President of the University for Student Affairs and Dean of Students, the Provost, the President of the University, and the Board of Regents. That submission requests, among other things, that I provide an immediate written apology to my Spring 2006 Negotiations Class. By this letter, I willingly respond to that request and offer that apology.

The objections that have been made involve my reading aloud from two texts in which the n-word is used. Those texts are Robert Caro's Pulitzer Prize winning biography of Lyndon Johnson, *Master of the Senate* (2002), and Fannie Lou Hamer's magnificent testimony before the credentials committee at the 1964 Democratic Convention. My students will recall that I read numerous passages from the Caro book, all illustrating one or another aspect of Johnson's extraordinary effectiveness as a negotiator. The particular reading in question recounts a meeting between Johnson and two white northern liberal publishers in which he sought to persuade them of his commitment to passing a civil rights act and that what it would take to pass that legislation was not the idealism of northern liberals but, instead, the kind of raw power that he could bring to bear. Johnson made that point by explaining that civil rights hadn't come to Johnson City, Texas, until the coarse, epithet-spewing southern white foreman of road gang "persuaded" the local establishment to offer integrated accommodations for his Black workers by out-brawling the local bully. Ms. Hamer's testimony described the suffering that she and others had undergone in the name of racial equality. In it, she used the n-word as an example of the "horrible names" she and others were called after they had been removed from a Trailways Bus and were being viciously beaten while in the custody of the State Highway Patrol in a rural Mississippi jail.

Our Negotiations course is, above all else, about the nature and operation of the speech acts that are the sources of power and effectiveness in negotiations and a sustained -- some of my students will say obsessive -- inquiry into the effects and the ethics of those speech acts. Within that larger framework, it is also a course about the ways in which rhetoric and language, including stories and words, may delineate communities (e.g., into the classically adversarial "us" and "them"), assign characteristics to those communities, construct narratives about those communities and their relationships to one another, and provide both the arena and the mechanisms in which hierarchic power ("power over") may be negotiated and in which systems of domination may be established, maintained, challenged or defended.

I did not use racial epithets for the purpose of subordinating anyone and I firmly believe that the texts I read are both germane and important to the work of the course. I now also understand, however, that my use of this material has caused pain to some of my students and may threaten damage to the fabric of this community. In my use of these texts I have obviously

failed to achieve my pedagogical purposes. I failed adequately to contextualize and forewarn my students about the material I proposed to read. I feel terrible about these failings and the breach it has caused in our relationships. For that failing and for the effects it has caused, I offer my clear and strong apology.

In the class discussion of these matters, I really meant it when I expressed my appreciation, admiration and respect for the student who raised and pursued these issues. Nothing in these events causes me greater pain than learning that the student in question might doubt the sincerity with which I made those statements.. I also really meant it when I apologized for the pain that I had caused. And I mean it now when I say that I have learned much through this exchange and through the inquiry in which we have engaged – things about the needs and expectations of my students but also things about the relationships between rhetoric, power and ethics. I hope you will all accept my apology.

With all sincerity and respect,

Gerald B. Wetlaufer

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May 4, 2006

Dear All,

I write as my second academic year as dean is coming to a close. My affection for this College of Law is stronger than ever. I have been at a number of law schools during my career and one striking characteristic of this College is the centrality of teaching and learning in a community that is, at once, diverse, cohesive, and caring.

I began my legal studies here in 1977. This University, then as now, has committed itself to diversity as a key part of providing a high quality education. As Provost Hogan wrote to all of us two days ago, "each of us must understand our individual responsibility for creating and maintaining the kind of environment in which people of diverse cultures, backgrounds, ethnicities, and perspectives can flourish and learn from one another." As Dean, I take that individual responsibility very seriously.

Much has changed at this law school, this University, and in the world over the past several decades. As the nation and the world have become more interconnected, and as the blessings of higher education have become increasingly available to those in all walks of life, both the benefits and the challenges of living in a diverse law school community have sharpened. More than ever, we have much to offer one another. At the same time, we must be diligent in working to understand, appreciate, and accept one another. Enjoying those benefits and meeting those challenges requires a sustained effort. It is not a task that can be completed, then set aside.

Throughout my term as dean, and particularly this past semester, I have been privileged to talk with a number of people in this community to learn how successful we have been in that effort. It has been a valuable experience. I have learned about things that are going well, and about areas on which we need to focus. In particular, within the past few weeks, students have focused our attention on the need to attend to the learning climate in the classroom. Today's Daily Iowan editorial "Take Care with Words in Class" refers to an incident that has occurred in the College this semester. I am grateful for their concern and for the opportunity it has given me to respond.

In a law school we must teach sensitive subjects, among them race, rape and the power of language. On these and other topics there will be varying viewpoints, the expression of which is central to our teaching mission. These classroom discussions will, at times, have the potential to offend or to be misunderstood. Rather than avoid these important topics for fear of repercussions, it is our obligation as teachers to embrace the challenges they present, to state the learning objectives, to provide context for the discussions, and to encourage the expression of different points of view. In these discussions, students, likewise, have obligations and challenges. They must strive to understand others' viewpoints without compromising their own beliefs and values, to articulate their opinions dispassionately, and to identify perceived injustices. When teachers and students both rise to these challenges, we will become a successful, diverse community, and the learning will come from one another in ways that are positive and respectful. It is clear that we don't always meet that mark, although we care about it greatly.

These are my aspirations as dean of this magnificent school, but aspirations must be translated into action. I take this opportunity to describe the steps we have been taking, and those we will undertake in the immediate future in response to these challenges.

We have worked hard this year in our faculty and staff appointments and in our admissions process to increase the number of persons of color in our community. I am pleased that we have succeeded in hiring an outstanding new faculty member and Assistant Dean of Admissions who brings important perspectives and life experiences to the law school. Working together with dedicated staff, students, and faculty, the Assistant Dean of Admissions has increased our minority applications by 61%.

Associate Dean Linda McGuire and groups of minority students, under the leadership of the Black Law Students Association, have been instrumental in arranging a number of meetings with students at which we have discussed issues of concern to students from minority groups and cultures. BLSA hosted a stimulating presentation by Salome Raheim, senior associate to President Skorton, to address the issue of cultural competence in the University and the law school.

Earlier this semester, I informed the community that I would create a Diversity Committee to pursue the issues raised by students and others. Here at the College of Law we use committees with faculty, students and staff to consider a range of ideas and to propose action to the administration and faculty for their consideration. Our committees do impressive work. In the past two years, by way of brief example, we have used the committee system (1) to redesign the first year curriculum to incorporate a more intensive legal analysis, writing and research program; (2) to reform our idiosyncratic grading system to make it more transparent to prospective employers; and (3) to identify and brief an architectural firm that will begin drafting possible plans for a student commons on the first floor. The way in which faculty, students and staff care about this institution and its quality means that committee work is taken very seriously. I have no doubt that the Diversity Committee will receive the same dedicated attention from its members and that the faculty and administration will take seriously the proposals, programs and policies it produces. The general charge for the committee is as follows:

The Diversity Committee will (1) consider ways to increase understanding of diversity and the ways it affects life at the College and professional practice; (2) provide input to Student Services, particularly Career Services and Admissions, on ways to more effectively serve students and prospective students from under represented groups; (3) consider strategies and policies to promote a welcoming climate that enhances the educational and work experience of all students, staff and faculty; and (4) promote student-faculty discussion of issues arising from the use of potentially offensive materials in the classroom, and the context in which such materials, if used, are presented. More specific charges will be added in consultation with students, faculty and staff in the coming weeks.

In light of the discussions I have had with students over the past few weeks, I have decided that it is important to accelerate the work of this committee over the summer, so that it may consider issues of classroom climate and programming relating to our community's diversity during the fall semester. President Emeritus and Professor of Law Willard Boyd has agreed to chair the committee on such an accelerated schedule. Faculty and staff members of the committee will be appointed soon. The Student Bar Association appoints student members to College of Law committees. I hope that many students, both minority and majority, will express an interest in serving on the committee or providing input to the committee in its work. Co-Presidents Sehee Foss and Angela Wolfe will announce the means by which one can express an interest in committee service.

In the meantime, the doors of those who can assist with specific problems are always open. Our ombudspersons have proven their willingness to work tirelessly and effectively to address specific student concerns, as have my associate deans and other professional staff.

Personally, I am always happy to hear from anyone here at the College about specific suggestions, including ideas for the work of the Diversity Committee and any other committee.

Our active participation in this community is crucial to making this place to which we are committed both more welcoming and, as a result, better educationally. I look forward to working together with you to that end.

Sincerely,

Carolyn C. Jones
Dean and F. Wendell Miller Professor of Law

Des MoinesRegister.com

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Letters to the Editor
REGISTER READERS

Epithets read in context of discrimination

I teach a course on the power and ethics of language at the University of Iowa College of Law. In it, I taught a class on the power of stories and the uses and ethics of racial epithets ("Racial Slur Read by Professor Upsets U of I Law Students," May 18).

Ninety minutes into that class, I read Fannie Lou Hamer's magnificent testimony to the credentials committee at the 1964 Democratic Convention. Hamer was a black Mississippi sharecropper, a church-woman turned civil-rights worker, who was instrumental in organizing the Mississippi Freedom Democrats.

She used the "N-word" as an example of the "horrible names" she and others were called after being dragged from a bus and viciously beaten while in the custody of the State Highway Patrol in a rural Mississippi jail. Because of her enormous dignity and the suffering she and others had borne in the name of our highest ideals, her testimony remains the most powerful rhetorical moment I have ever witnessed.

Fannie Lou Hamer used the N-word to illustrate and condemn the ways that white racists insult black Americans. So did Martin Luther King in his "Letter from Birmingham Jail."

I read and praised Hamer's condemnation of such words. No one can fairly call that an act of hostility or disrespect toward black Americans.

I have neither "used" nor approved the use of a racial epithet.

— Gerald B. Wetlaufer, professor, University of Iowa College of Law, Iowa City.

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